IN THE HIGH COURT OF UTTRANCHAL AT NAINITAL

Civil Contempt Petition No. 236 of 2004

Pankaj Kumar Bhatt
S/o Late Shri Anand Mani Bhatt
R/o Village Semwal Gaon
Gram Panchayat Maletha
Post Office Maletha
District Tehri Garhwal ....Applicant

Vs.

G.S. Srivastava
Chief General Manager
Bharat Sanchar Nigam Ltd
Windlass Complex
IIIrd Floor, Rajpur Road
Dehradun. .....Respondent

Shri Rajendra Dobhal, learned counsel for the applicant.
Shri V.B.S. Negi, learned Senior Standing Counsel for the respondent.

Hon. P.C. Pant, J.

This is a contempt petition, moved under Section 12 of the Contempt of Court Act, 1971, complaining the disobedience of court's order dated 07.06.2004, passed in writ petition NO. 249 (S/B) of 2003.

I heard learned counsel for the parties and perused the record. The operative portion of the impugned order of which disobedience has been complained, reads as under:-

"In view of above, the respondents were not justified for rejecting the claim of the petitioner for appointment on compassionate ground without assigning any reason.

Consequently, the writ petition is allowed. The respondents are directed to consider the appointment of the petitioner on compassionate ground under Dying in Harness Rules, within one month after filing of the certified copy of this order."

A counter affidavit, sworn on 17.07.2005, has been filed on behalf of the respondent- Chief General Manager of Bharat Sanchar Nigam Limited, in response to the notices sent by this Court, regarding compliance of aforesaid order. In the said counter affidavit, it has been stated that there is a high power committee constituted to consider the cases of compassionate appointments. It has been further stated that the said committee, after preparing the comparative chart of financial and family status of the of candidates, considered cases including that of the petitioner, Pankaj Bhatt, Vishnu Prasa Uniyal, Naveen Prasad Uniyal and Km. Shalini Shah. Annexure- 1 to said counter affidavit, shows points of comparison, relating to candidates, relating to (1) payment by department (2) payment of Pension (3) number of dependants (4) number of persons employed (5) agricultural land (6) income from agricultural land (7) age of candidate (8) daughters and (9) the youngest family dependant. It is further stated in the aforesaid counter affidavit, that the committee reconsidered the matter on 17.06.2005 and found that the petitioner was not the one deserving the immediate assistance and relief on account of immediate financial destitution, as such he was not found fit for compassionate appointment. Accordingly, he was informed. In the para-10 of said counter affidavit dated 17.07.2005, it has been stated by the respondent that under the scheme of compassionate

appointment, various orders issued by Government of India are required to be complied with and keeping in view of said Government Orders and rules, only deserving candidates are given the appointment. As per the chart (Annexure-1 to the counter affidavit), the total income to the family of the deceased of which the petitioner is dependant is Rs. 11,644/- while that or Naveen Uniyal is only Rs. 2,945/- who was the most deserving out of the four considered for the appointment. Lastly, it is stated in the counter affidavit that the respondent had no intention to disobey the court's order. In view of the comparative chart as contained in annexure I to the aforesaid counter affidavit dated 17.07.2005, the allegation in affidavit of the petitioner that Naveen Uniyal was given appointment ignoring the case of petitioner stands answered.

In view of the aforesaid averments made by the respondent, read with the chart (Annexure-1) and the rules and Government Orders applicable, it cannot be said that there is wilful disobedience on the part of the respondents. Accordingly, the contempt notices are discharged and the contempt petition is dismissed.

(Prafulla C. Pant, J.)

Dt. 01.08.2005
Sweta